

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, the applicants have reviewed the First Office Action of March 12, 2007, and submit that this paper is responsive to all points raised therein.

I. Status of the Claims

Claims 1-5 and 15-18 are pending in the instant Patent Application. Claims 1, 3 and 15 have been amended, as discussed below. Claims 6-14 and 19-30 have been cancelled without prejudice, in an election to a restriction requirement. In making this cancellation without prejudice, applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

II. Confirmation of Election

Applicants confirm the election to prosecute claims 1-5 and 15-18. This election was made without traverse in the Applicants' Response to Restriction Requirement filed February 9, 2007. Claims 6-14 and 19-30 were withdrawn at that time.

Claims 6-14 and 19-30 are now cancelled without prejudice. In making this cancellation without prejudice, the applicants reserve all rights in these claims to file Divisional and/or Continuation patent applications.

III. Rejections Under 35 USC 102(b)

Claims 1, 2 and 5 were rejected under 35 USC 102(b), as anticipated by Gray III (U.S. Patent No. 4,327,121) (Gray '121).

Claim 1 has been amended to recite a coloring material that is formed by curing by heating. As claimed, the coloring material includes a first surface adjacent a substrate and a second surface opposite the first surface. The claim also recites employing the texture of the support surface to provide a matte finish on the first surface when the coloring material is removed from the substrate.

Gray '121 discloses a textured substrate, but as indicated by the Examiner, is silent as to the resultant matte finish on the first surface of the coloring material.

Moreover, Gray '121 does not use heat in the curing but rather, must cure with electron beam radiation, as this reference states:

The coating applied to the paper must be capable of being cured by electron beam radiation, and the polymerization energy for the release coating must be provided by electron beam radiation. It is the combination of the particular acrylic functional material and the electron beam radiation which surprisingly provides the superior release properties of the invention. Coatings of this type may be polymerized by a variety of other means, such as heat, catalyst, and UV radiation, but only electron beam will satisfactorily provide the release properties of the invention.

Gray '121 at Col. 4, lines 47-57. (Emphasis added).

Accordingly, Gray '121 fails to show the resultant matte finish of the first surface and the step of curing by heating. For these reasons, Gray '121 falls short of claim 1 and can not anticipate it under 35 USC 102(b).

Since claim 1 is not anticipated by Gray '121, claims 2 and 5, dependent thereon, are also allowable over Gray '121 for the same reasons. These claims further distinguish over Gray '121.

IV. Rejections Under 35 USC 103(a)

Claims 3-5 were rejected under 35 USC 103(a), as obvious over Burgess (U.S. Patent Application Publication No. 2002/0178574 A1) (Burgess '574) in view of Gray '121.

Claims 3-5 are dependent on claim 1, that has been discussed above. That discussion is applicable here.

Burgess '574 is directed to methods for making coated strips including conductive material. However, this reference does not address curing and does not address the matte finish for the first surface.

Gray '121 has been discussed above. That discussion is applicable here. Gray '121 does not cure by heating and does not address the matte finish of the first surface.

Accordingly, any combination of Burgess '574 and Gray '121 remains short of the elements of claim 1. For this reason, the Examiner's proposed combination of Burgess '574 and Gray '121 is not obvious under 35 USC 103(a) in view of this cited art.

Since claim 1 is not rendered obvious by Burgess '574 in view of Gray '121, claims 3-5, dependent thereon, are also allowable over Burgess '574 and Gray '121 for the same reasons. These claims further distinguish over the cited art.

Claims 3-5 were rejected under 35 USC 103(a), as obvious over Gray '121 in view of Bull (U.S. Patent No. 6,254,711) (Bull '711).

Claim 15 is directed to a method for forming a coloring sheet of first flowable material and a second flowable materials, both flowable materials being cured, with the curing including heating.

Gray '121 has been discussed above. That discussion is applicable here. Gray '121 does not cure by heating and is not directed to two flowable materials.

Bull '711 is cited to teach pigment layers being applied in successive lamination steps.

Bull '711 fails to address heat curing of flowable materials, and accordingly, fails to cure the deficiencies of Gray '121. Accordingly, the proposed combination of Gray '121 and Bull '711 fall short of claim 15, and can not render it obvious under 35 U.S.C. 103(a).

Since claim 15 is not rendered obvious by Gray '121 in view of Bull '711, claims 17 and 18, dependent thereon, are also allowable over Gray '121 and Bull '711. These claims further distinguish over the cited art.

Claim 16 was rejected under 35 USC 103(a), as obvious over Gray '121 in view of Bull '711, as applied to claim 15, in further view of Burnett (U.S. Patent No. 2,874,416) (Burnett '146).

The failure of any combination of Gray '121 and Bull '711 to meet claim 15 has been discussed above. That discussion is applicable here.

Burnett '146 discloses resinous layers on a carrier sheet that are adhered by heating. However, this reference does not address the need for curing the resinous layers.

Accordingly, the combination of Gray '121 and Bull '711 with Burnett '146 remains deficient and fails to meet claim 16. For this reason, claim 16 is non obvious under 35 USC 103(a) in view of this cited art.

V. Conclusion

Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of pending claims, 1-5 and 15-18, is respectfully requested.

This Amendment is submitted with a two month extension of time, extending the deadline for response to August 13, 2007. The Commissioner is authorized to charge Deposit Account No. 12-0600 for the fee for this petition.

Applicants believe other than a two-month extension fee for replying to the First Office Action, no other fees are currently due. However, if any fee is deemed necessary in connection with this Amendment, please charge Deposit Account No. 12-0600.

Respectfully submitted,

LATHROP & GAGE, LC

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By: 

Jerome R. Smith, Jr., Reg. No. 35,684
2345 Grand Blvd., Ste. 2800
Kansas City, MO 64108
Tel: (816) 460-5306
Fax: (816) 292-2001
Attorney for Applicants